	i e e e e e e e e e e e e e e e e e e e		
1	GARMAN TURNER GORDON LLP	K&L GATES LLP	
2	GREGORY E. GARMAN, ESQ. Nevada Bar No. 6654	THOMAS E. BIRSIC, ESQ. (Admitted <i>Pro Hac Vice</i>)	
3	Email: ggarman@gtg.legal TALITHA GRAY KOZLOWSKI, ESQ.	Email: thomas.birsic@klgates.com PAUL C. FUENER, ESQ.	
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7	Las Vegas, Nevada 89119 Tel: (725) 777-3000	GHANDI DEETER BLACKHAM	
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9		Email: shara@ghandilaw.com 725 S. 8th St., Suite 100	
10		Las Vegas, Nevada 89101 Tel: (702) 878-1115	
11		Attorneys for QXH II, Inc.	
12	UNITED STATES	S DISTRICT COURT	
13	DISTRICT OF NEVADA		
14	In re:	Chapter 11	
15	EB HOLDINGS II, INC.,	Case No.: BK-S-19-16364-MKN	
16	Debtor.	Adv. Pro. No. 20-01010-MKN	
17		Case No. 2:20-cv-00461-KJD-BNW	
18	EB HOLDINGS II, INC. and QXH II, INC.,	Case No. 2:20-cv-00401-KJD-BN vv	
19	Plaintiffs,		
20	v.	STIPULATION WITHDRAWING ACE	
21	ILLINOIS NATIONAL INSURANCE COMPANY, CONTINENTAL	AMERICAN INSURANCE COMPANY	
22	CASUALTY COMPANY, FEDERAL INSURANCE COMPANY, BEAZLEY	FROM THE PENDING MOTION TO WITHDRAW THE REFERENCE	
23	INSURANCE COMPANY, INC., AXIS		
24	INSURANCE COMPANY, ACE AMERICAN INSURANCE COMPANY,		
25	IRONSHORE INDEMNITY INC., FREEDOM SPECIALTY INSURANCE		
26	COMPANY, ARCH INSURANCE COMPANY and ASPEN SPECIALTY		
27	INSURANCE COMPANY,		
28	Defendants.		

Case 2:20-cv-00461-KJD-BNW Document 10 Filed 05/01/20 Page 2 of 12

1	IT IS HEREBY STIPULATED and AGREED, by and between Plaintiffs EB Holdings II,
2	Inc. ("EBH"), by and through its counsel, the law firm of Garman Turner Gordon LLP, QXH II,
3	Inc. ("QXH II," and together with EBH, the "Insureds"), by and through its counsel, the law firms
4	of K&L Gates LLP and Ghandi Deeter Blackham, and ACE American Insurance Company
5	("ACE"), by and through its counsel, the law firm of Lewis Brisbois Bisgaard & Smith LLP, as
6	follows:
7	WHEREAS, on September 30, 2019, EBH filed its Chapter 11 bankruptcy petition in the
8	United States Bankruptcy Court for the District of Nevada (the "Bankruptcy Court"), thereby
9	commencing chapter 11 case no. 19-16364-MKN.
10	WHEREAS, on January 16, 2020, EBH and QXH II filed a Complaint in the Bankruptcy
11	Court, thereby commencing adversary proceeding no. 20-01010-MKN (the "Adversary").
12	WHEREAS, on March 10, 2020, ACE filed Motion by Defendants Federal Insurance
13	Company and Ace American Insurance Company to Withdraw Reference [ECF No. 1] (the
14	"Motion to Withdraw the Reference"), thereby commencing District Court case number 2:20-cv-
15	00492-APG-NJK.
16	WHEREAS, on March 20, 2020, an Order Consolidating Cases [ECF No. 6] was entered
17	in District Court case number 2:20-cv-00492-APG-NJK consolidating District Court case number
18	2:20-cv-00492-APG-NJK with lead District Court case number 2:20-cv-00461-KJD-BNW.
19	WHEREAS, on April 29, 2018, the Stipulation Dismissing Defendant ACE American
20	Insurance Company Without Prejudice and Withdrawing Pending Motions (the "Stipulation") was
21	filed in the Adversary. The Stipulation, attached hereto as Exhibit 1, provided for ACE's
22	withdrawal from the Motion to Withdraw the Reference and a related pleading and for the
23	dismissal of the Insureds' claims against ACE without prejudice.
24	WHEREAS, the Stipulation was approved by entry of the Order of the Bankruptcy Court
25	on April 29, 2020 (the " <u>Dismissal Order</u> "). A copy of the Dismissal Order is attached hereto as
26	Exhibit 2.
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Case 2:20-cv-00461-KJD-BNW Document 10 Filed 05/01/20 Page 3 of 12

1	NOW, THEREFORE, the Insureds and ACE hereby stipulate and agree that ACE		
2	withdraws from the Motion to Withdraw the Reference, with the parties to bear their own fees and		
3	costs.		
4	Dated this 30th day of April, 2020.		
5	GARMAN TURNER GORDON LLP	K&L GATES LLP	
6			
7	By: <u>/s/ Talitha Gray Kozlowski</u> GREGORY E. GARMAN, ESQ.	By: /s/Paul C. Fuener THOMAS E. BIRSIC, ESQ.	
8	TALITHA GRAY KOZLOWSKI, ESQ. TERESA M. PILATOWICZ, ESQ.	PAUL C. FUENER, ESQ. K&L Gates Center	
9	7251 Amigo Street, Suite 210 Las Vegas, Nevada 89119	210 Sixth Avenue Pittsburgh, Pennsylvania 15222	
10	Attorneys for EB Holdings II, Inc.	GHANDI DEETER BLACKHAM	
11		SHARA L. LARSON, ESQ. 725 S. 8 th Street, Suite 100	
12		Las Vegas, Nevada 89101 Attorneys for QXH II, Inc.	
13	LEWIS BRISBOIS BISGAARD & SMITH		
14	LLP		
15			
16	By: /s/ Jeffrey D. Olster JEFFREY D. OLSTER, ESQ.		
17	6835 S. Rainbow Blvd., Suite 600 Las Vegas, Nevada 89118		
18 19	Attorneys for Federal Insurance Company and ACE American Insurance		
20			
21			
22		IT IS SO ORDERED	
23		II IS SO ORDERED	
24			
25		Beral	
26		UNITED STATES DISTRICT JUDGE	
27		DATED: 5/1/2020	
28			

GARMAN TURNER GORDON 7251 Amigo St., Ste. 210 Las Vegas, NV 89119 725-777-3000

EXHIBIT 1

EXHIBIT 1

1 2 3 4 5 6 7 8	GARMAN TURNER GORDON LLP GREGORY E. GARMAN, ESQ. Nevada Bar No. 6654 Email: ggarman@gtg.legal TALITHA GRAY KOZLOWSKI, ESQ. Nevada Bar No. 9040 Email: tgray@gtg.legal TERESA M. PILATOWICZ, ESQ. Nevada Bar No. 9605 Email: tpilatowicz@gtg.legal 7251 Amigo Street, Suite 210 Las Vegas, Nevada 89119 Tel: (725) 777-3000 Attorneys for EB Holdings II, Inc.	K&L GATES LLP THOMAS E. BIRSIC, ESQ. (Admitted <i>Pro Hac Vice</i>) Email: thomas.birsic@klgates.com PAUL C. FUENER, ESQ. (Admitted <i>Pro Hac Vice</i>) Email: paul.fuener@klgates.com K&L Gates Center 210 Sixth Avenue Pittsburgh, Pennsylvania 15222-2613 Tel: (412) 355-6500 GHANDI DEETER BLACKHAM SHARA L. LARSON, ESQ. Nevada Bar No. 7786 Email: shara@ghandilaw.com 725 S. 8th St., Suite 100	
10		Las Vegas, Nevada 89101 Tel: (702) 878-1115 Attorneys for QXH II, Inc.	
11	UNITED STATES BANKRUPTCY COURT		
1213	FOR THE DISTRICT OF NEVADA		
14	In re:	Chapter 11	
15	EB HOLDINGS II, INC.,	Case No.: BK-S-19-16364-MKN	
16	Debtor.		
17 18	EB HOLDINGS II, INC. and QXH II, INC.,	Adv. Pro. No. 20-01010-MKN	
19	Plaintiffs, v.	STIPULATION DISMISSING	
20	ILLINOIS NATIONAL INSURANCE	DEFENDANT ACE AMERICAN INSURANCE COMPANY WITHOUT	
21	COMPANY, CONTINENTAL CASUALTY COMPANY, FEDERAL	PREJUDICE AND WITHDRAWING PENDING MOTIONS	
22	INSURANCE COMPANY, BEAZLEY INSURANCE COMPANY, INC., AXIS		
23	INSURANCE COMPANY, ACE AMERICAN INSURANCE COMPANY,		
24	IRONSHORE INDEMNITY INC., FREEDOM SPECIALTY INSURANCE		
2526	COMPANY, ARCH INSURANCE COMPANY and ASPEN SPECIALTY INSURANCE COMPANY,		
27	Defendants.		
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Case 2 220-01/01/04/61krKJDD-BON1/137 DoEnterrendt 0.4/2 97/22011005/1021/420 Page 13 of 42

1	IT IS HEREBY STIPULATED and AGREED, by and between Plaintiffs EB Holdings II.
2	Inc. ("EBH"), by and through its counsel, the law firm of Garman Turner Gordon LLP, QXH II,
3	Inc. ("QXH II," and together with EBH, the "Insureds"), by and through its counsel, the law firms
4	of K&L Gates LLP and Ghandi Deeter Blackham, and ACE American Insurance Company
5	("ACE"), by and through its counsel, the law firm of Lewis Brisbois Bisgaard & Smith LLP, as
6	follows:
7	WHEREAS, on September 30, 2019, EBH filed its Chapter 11 bankruptcy petition in the
8	United States Bankruptcy Court for the District of Nevada, thereby commencing chapter 11 case
9	no. 19-16364-MKN.
10	WHEREAS, on January 16, 2020, EBH and QXH II filed a Complaint in the United States
11	Bankruptcy Court for the District of Nevada, thereby commencing this adversary proceeding,
12	adversary no. 20-01010-MKN (the "Adversary").
13	WHEREAS, on March 26, 2020, ACE filed its joinder [ECF No. 120] (the "Joinder") to
14	Defendant Arch Insurance Company's Amended Notice of Motion and Motion to Dismiss for
15	Failure to State a Claim and Lack of Subject Matter Jurisdiction and Personal Jurisdiction;
16	Memorandum of Point and Authorities in Support Thereof [ECF No. 115].
17	WHEREAS, on March 9, 2020, ACE filed its Motion by Defendants Federal Insurance
18	Company and Ace American Insurance Company to Withdraw Reference [ECF No. 63] (the
19	"Motion to Withdraw the Reference"), thereby commencing District Court case number 2:20-cv-
20	00492-APG-NJK.
21	WHEREAS, on March 20, 2020, an Order Consolidating Cases [ECF No. 6] was entered
22	in District Court case number 2:20-cv-00492-APG-NJK consolidating District Court case number
23	2:20-cv-00492-APG-NJK with lead District Court case number 2:20-cv-00461-KJD-BNW. ¹
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¹ A similar stipulated order is being filed in case number 2:20-cv-00461-KDJ-BNW, pending in the United States District Court for the District of Nevada.

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1	1 WHEREAS, the Insureds and ACE have agreed to dismiss ACE from	the Adversary	
2	without prejudice and to vacate all pending matters by and between them, with each party to be		
3	its own attorneys' fees and costs.		
4	WHEREAS, for the avoidance of doubt, this Stipulation does not withdraw any pleading		
5	filed by Federal Insurance Company or dismiss Federal Insurance Company from the Adversary		
6	NOW, THEREFORE, subject to entry of an Order approving this Stipulation, the Insured		
7	7 and ACE hereby stipulate and agree as follows:		
8	1. ACE withdraws from the Joinder [ECF No. 120] and Motion to Withdraw th		
9	9 Reference [ECF No. 63];		
10	2. The Insureds' claims against ACE filed in this Adversary are dismissed without		
11	prejudice;		
12	3. The Insureds and ACE shall each bear their own attorneys' fees and costs incurr		
13	to date with respect to the Adversary; and		
14	4. This Stipulation does not dismiss Federal from the Adversary or	withdraw the	
15	pleadings filed by Federal.		
16	Dated this 29th day of April, 2020.		
17	17 GARMAN TURNER GORDON LLP K&L GATES LLP		
18	18		
19	By: <u>/s/ Talitha Gray Kozlowski</u> GREGORY E. GARMAN, ESQ. By: <u>/s/Paul C. Fuener</u> THOMAS E. BIRSIC, ESQ		
20			
21		222	
22	22 Attorneys for EB Holdings II, Inc. GHANDI DEETER BLACKHA	M	
23	SHARA L. LARSON, ESQ 725 S. 8 th Street, Suite 100		
24	Las Vegas, Nevada 89101 Attorneys for QXH II, Inc.		
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Case 2 220-01/01/04/61kmKJDD-BohlV37 DoEnterrendt (1.4/297/242d 1005/1021/42d) Page 48 of 42

1	LEWIS BRISBOIS BISGAARD & SMITH LLP
2	
3	By: /s/ Jeffrey D. Olster
4	By: /s/ Jeffrey D. Olster JEFFREY D. OLSTER, ESQ. 6835 S. Rainbow Blvd., Suite 600
5	Las Vegas, Nevada 89118 Attorneys for Federal Insurance
6	Company and ACE American Insurance
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EXHIBIT 2

EXHIBIT 2

1 2 3 Honorable Mike K. Nakagawa United States Bankruptcy Judge 4 5 Entered on Docket ril 29, 2020 6 GARMAN TURNER GORDON LLP **K&L GATES LLP** GREGORY E. GARMAN, ESQ. THOMAS E. BIRSIC, ESQ. 7 Nevada Bar No. 6654 (Admitted *Pro Hac Vice*) Email: ggarman@gtg.legal TALITHA GRAY KOZLOWSKI, ESQ. Email: thomas.birsic@klgates.com 8 PAUL C. FUENER, ESQ. Nevada Bar No. 9040 (Admitted *Pro Hac Vice*) 9 Email: paul.fuener@klgates.com Email: tgray@gtg.legal TERESA M. PILATOWICZ, ESQ. K&L Gates Center 10 210 Sixth Avenue Nevada Bar No. 9605 Email: tpilatowicz@gtg.legal Pittsburgh, Pennsylvania 15222-2613 11 7251 Amigo Street, Suite 210 Tel: (412) 355-6500 Las Vegas, Nevada 89119 12 Tel: (725) 777-3000 GHANDI DEETER BLACKHAM Attorneys for EB Holdings II, Inc. 13 SHARA L. LARSON, ESQ. Nevada Bar No. 7786 Email: shara@ghandilaw.com 725 S. 8th St., Suite 100 14 15 Las Vegas, Nevada 89101 Tel: (702) 878-1115 Attorneys for OXH II, Inc. 16 17 UNITED STATES BANKRUPTCY COURT 18 FOR THE DISTRICT OF NEVADA 19 In re: Chapter 11 20 EB HOLDINGS II, INC., Case No.: BK-S-19-16364-MKN 21 Debtor. 22 Adv. Pro. No. 20-01010-MKN

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

25 v.

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ILLINOIS NATIONAL INSURANCE COMPANY, CONTINENTAL CASUALTY COMPANY, FEDERAL

INSURANCE COMPANY, BEAZLEY INSURANCE COMPANY, INC., AXIS

ORDER DISMISSING DEFENDANT ACE AMERICAN INSURANCE COMPANY WITHOUT PREJUDICE AND WITHDRAWING PENDING MOTIONS

GARMAN TURNER GORDON 7251 Amigo St., Ste. 210 Las Vegas, NV 89119 725-777-3000

1	INSURANCE COMPANY, ACE
2	AMERICAN INSURANCE COMPANY, IRONSHORE INDEMNITY INC.,
3	FREEDOM SPECIALTY INSURANCE COMPANY, ARCH INSURANCE
4	COMPANY and ASPEN SPECIALTY INSURANCE COMPANY,
5	Defendants.
6	Plaintiffs EB Holdings II, Inc. ("EBH"), by and through its counsel, the law firm of Garman
7	Turner Gordon LLP, QXH II, Inc. ("QXH II," and together with EBH, the "Insureds"), by and
8	through its counsel, the law firms of K&L Gates LLP and Ghandi Deeter Blackham, and ACE
9	American Insurance Company ("ACE"), by and through its counsel, the law firm of Lewis Brisbois
10	Bisgaard & Smith LLP, entered into that certain Stipulation to Dismiss Ace American Insurance
11	Company Without Prejudice and Withdrawing Pending Motions (the "Stipulation"). Good cause
12	appearing therefore;
13	IT IS HEREBY ORDERED that the Stipulation is approved in its entirety.
14	IT IS FURTHER ORDERED that the Insureds' claims against ACE filed in this
- 1	
15	Adversary are dismissed without prejudice.
15 16	
	Adversary are dismissed without prejudice.
16	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own
16 17	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary.
16 17 18	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on
16 17 18 19	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on behalf of ACE and related insurer-defendant Federal Insurance Company ("Federal") [ECF No.
16 17 18 19 20	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on behalf of ACE and related insurer-defendant Federal Insurance Company ("Federal") [ECF No. 120]; and (b) the Motion to Withdraw the Reference jointly filed on behalf of ACE and Federal
16 17 18 19 20 21	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on behalf of ACE and related insurer-defendant Federal Insurance Company ("Federal") [ECF No. 120]; and (b) the Motion to Withdraw the Reference jointly filed on behalf of ACE and Federal [ECF No. 63].
16 17 18 19 20 21 22	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on behalf of ACE and related insurer-defendant Federal Insurance Company ("Federal") [ECF No. 120]; and (b) the Motion to Withdraw the Reference jointly filed on behalf of ACE and Federal [ECF No. 63]. IT IS FURTHER ORDERED that this Order does not dismiss Federal from the
16 17 18 19 20 21 22 23	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on behalf of ACE and related insurer-defendant Federal Insurance Company ("Federal") [ECF No. 120]; and (b) the Motion to Withdraw the Reference jointly filed on behalf of ACE and Federal [ECF No. 63]. IT IS FURTHER ORDERED that this Order does not dismiss Federal from the Adversary or withdraw the pleadings filed by Federal.
16 17 18 19 20 21 22 23 24	Adversary are dismissed without prejudice. IT IS FURTHER ORDERED that the Insureds and ACE shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary. IT IS FURTHER ORDERED that ACE withdraws from: (a) the Joinder jointly filed on behalf of ACE and related insurer-defendant Federal Insurance Company ("Federal") [ECF No. 120]; and (b) the Motion to Withdraw the Reference jointly filed on behalf of ACE and Federal [ECF No. 63]. IT IS FURTHER ORDERED that this Order does not dismiss Federal from the Adversary or withdraw the pleadings filed by Federal.

28

 $^{^{1}}$ All capitalized, undefined terms shall have the meanings ascribed to them in the Stipulation.

1	GARMAN TURNER GORDON LLP	K&L GATES LLP
2		
3	By: <i>/s/ Talitha Gray Kozlowski</i> GREGORY E. GARMAN, ESQ.	By: /s/ Paul C. Fuener THOMAS E. BIRSIC, ESQ.
4	TALITHA GRAY KOZLOWSKI, ESQ. TERESA M. PILATOWICZ, ESQ.	PAUL C. FUENER, ESQ. K&L Gates Center
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7 8		GHANDI DEETER BLACKHAM SHARA L. LARSON, ESQ. 725 S. 8 th Street, Suite 100
9		Las Vegas, Nevada 89101 Attorneys for OXH II, Inc.
10	LEWIS BRISBOIS BISGAARD & SMITH LLP	
11		
12	By: /s/ Jeffrey D. Olster	
13	JEFFREY D. OLSTER, ESQ. 6835 S. Rainbow Blvd., Suite 600	
14	Las Vegas, Nevada 89118 Attorneys for Federal Insurance	
15	Company and ACE American Insurance	
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